

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

GREGORY K. WHITT

PLAINTIFF

V.

CASE NO.: 5:15-CV-5157

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Comes on for consideration the Report and Recommendation (Doc. 8) filed in this case on July 27, 2015, by the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**, as the claims are barred by sovereign immunity. *See Roth v. United States*, 476 Fed. Appx. 95 (8th Cir. 2012) (per curiam) (observing that sovereign immunity is jurisdictional in nature, and dismissal on that ground must therefore be without prejudice). The dismissal of this case constitutes a strike under 28 U.S.C. § 1915(g), and the Clerk of the Court is directed to place a strike flag on the case.

IT IS SO ORDERED on this 2nd day of September, 2015.


TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE